

Appl. No. 10/633,205
Office Action mailed September 19, 2005

REMARKS

Claims 14-20 and 35-87 are pending in the present application.

Claims 79-87 stand rejected under 35 USC 112, first paragraph. Claims 54-55, 63, 70, and 75-78 stand rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 5,355,519 to Hasegawa in view of U.S. Patent No. 4,075,632 to Baldwin and U.S. Patent No. 6,046,683 to Pidworsky.

Applicants respectfully traverse the rejections and urge allowance of the present application.

Applicant respectfully asserts that the Office Action clearly fails the regulatory mandate of 37 CFR 1.104(a) that the "examination be complete with respect both to compliance of the application . . . with the applicable statutes and rules and to *the patentability of the invention as claimed.*" (Emphasis added). Further, 37 CFR 1.104(b) provides that "the examiner's action will be complete as to all matters."

MPEP §706.07 (8th ed.) states that "the examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal." (Emphasis added). Clearly, it is possible for the Examiner to develop a clear issue if all claims are not allowed. Presently, the record for appeal is poor due to the deficiencies of the current Office Action if all claims are not allowed.

In the present application, claims 14-20 and 35-87 are pending. The Office Action Summary indicates that claims 14-20, 35-43, 45, 46, 54, 57-60, 62, and 75-87 stand rejected. However, the Office Action does not specify any rejections for independent claims 14 or 25. Additionally, no details regarding rejections are provided

Appl. No. 10/633,205
Office Action mailed September 19, 2005

regarding at least some of the claims which depend from independent claims 14, 35, 54, and 63 but which are not allowed. Further, some claims (e.g., independent claims 63 and 70) are indicated on the Office Action Summary to be allowed but then are indicated to stand rejected on page 3 of the Action.

Applicants further submit that the current Office Action fails to comply with the CFR. Applicants respectfully request identification of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R §1.104(c)(2). In particular, 37 C.F.R §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified*. Further, 37 C.F.R. §1.104(c)(2) states that the Examiner must cite the best references at their command. *When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable*. Applicants respectfully request clarification of the rejections with respect to specific references and specific reference teachings therein pursuant to 37 C.F.R. §1.104(c)(2) if any claims are not found to be allowable.

For at least the above-mentioned reasons, Applicants respectfully submit the current Office Action is deficient with respect to the CFR and Applicants respectfully request issuance of a new Action which addresses at least the above-mentioned deficiencies.

Two telephone calls on separate days were placed and messages left for Examiner Zimmerman but no return call was received explaining the status of at least the above-mentioned claims. Accordingly, Applicants respectfully request issuance of a

Appl. No. 10/833,205
Office Action mailed September 19, 2005

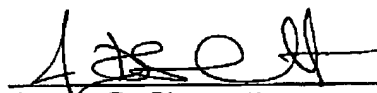
new action if all claims of the present application are not allowed so Applicants may appropriately respond.

Applicants request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 11/21/05

By: 
James D. Shaurette
Reg. No. 39,833